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Tuesday, 26 August 2008, 10 a.m.

New York

President:	Mr. Grauls	(Belgium)
Members:	Burkina Faso	Mr. Tiendrébéogo
	China	Mr. Du Xiacong
	Costa Rica	Ms. Villalobos
	Croatia	Mr. Skračić
	France	Mr. Renié
	Indonesia	Mr. Natalegawa
	Italy	Mr. Terzi di Sant'Agata
	Libyan Arab Jamahiriya	Mr. Mubarak
	Panama	Mr. Arias
	Russian Federation	Ms. Donova
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Mr. Bayley
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Le Luong Minh

Agenda

The situation in Burundi

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08-49051 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Burundi

The President (*spoke in French*): I should like to inform the Council that I have received a letter from the representative of Burundi, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Nsanze (Burundi) took a seat at the Council table.

The President (*spoke in French*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Her Excellency Ambassador Ulla Ström, who will speak on behalf of the Chairman of the Burundi configuration of the Peacebuilding Commission and Permanent Representative of Sweden to the United Nations.

It is so decided.

I invite Ambassador Ström to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing from the Chairman of the Burundi configuration of the Peacebuilding Commission. I give the floor to Ms. Ulla Ström, who will speak on behalf of Mr. Anders Lidén, Chairman of the Burundi configuration of the Peacebuilding Commission and Permanent Representative of Sweden.

Ms. Ström: As you said, Mr. President, I shall deliver a briefing on behalf of my Permanent Representative, who unfortunately is not here because he is attending the annual ambassadorial meeting in Stockholm. I shall now read out his statement.

"I would like to thank you, Mr. President, for this opportunity to participate in today's meeting on Burundi in my capacity as the Chair of the Burundi country-specific configuration of the Peacebuilding Commission. As members know, Sweden recently assumed the chairmanship of the Burundi configuration. We very much welcome this opportunity to engage with the Security Council.

"Since the last Peacebuilding Commission briefing on Burundi to the Council, on 22 May 2008 (see S/PV.5897), there have been a number of positive developments, including the cessation of hostilities. At the same time, the peace process continues to face significant challenges, which require national stakeholders to show willingness to compromise and which illustrate the need for coordinated and robust additional support from regional actors and the international community.

"On 23 June, the Peacebuilding Commission and the Government of Burundi undertook the first biannual review of the Strategic Framework for Peacebuilding. Drawing on a comprehensive progress report, that landmark meeting resulted in concrete recommendations to all the relevant stakeholders on a number of issues, such as the implementation of the Comprehensive Ceasefire Agreement between the Government of Burundi and the PALIPEHUTU-Forces nationales de liberation (FNL), security, justice and the promotion of the rule of law, land reform, socio-economic recovery and the gender dimensions of peacebuilding.

"In the area of good governance, the biannual review focused on creating the conditions for free and fair elections in 2010. Those elections represent a milestone in the consolidation of democracy and peace in Burundi. The biannual review recommended that the revised draft legal framework for the elections reflecting Burundi's political reality should be presented to the National Assembly by December 2008. The Peacebuilding Commission also called on all political parties to promote

constructive dialogue, to adhere to the electoral code of conduct and to respect the democratic principles enshrined in the constitution. In that regard, we welcome the resumption of work at the level of the National Assembly.

"The review meeting also stressed that the establishment of the national independent electoral commission was essential for the preparations for the elections, and recommended that the commission should be operational by the first half of 2009. In that regard, I am happy to note the 18 June presidential decree establishing a permanent national independent electoral commission. I would also like to encourage the Government of Burundi to consider soliciting support from the international community, including the United Nations, in the preparation and conduct of the next elections.

"In the past few weeks, the Government of Burundi has demonstrated a commitment to follow up on those recommendations. The Peacebuilding Commission stands ready to provide continued support to the Government and all other stakeholders for the 2010 elections, including by supporting the development of a road map for their preparation.

"The biannual review meeting stressed the importance of the implementation of the 2006 Ceasefire Agreement between the Government and the PALIPEHUTU-FNL in accordance with the timeframes outlined in the revised programme of action to take forward the Burundi peace process. The return of the PALIPEHUTU-FNL leader, Mr. Agathon Rwasa, to Bujumbura, the signing of the Magaliesburg agreement on 11 June 2008 and the meeting between President Nkurunziza and Mr. Rwasa on 18 August are important steps forward in the peace process. That positive momentum must be seized upon, and every effort should be made to finalize the implementation of the Ceasefire Agreement by the end of 2008, well in advance of the 2010 elections, in order to avoid the convergence of those two critical processes. The international community must continue to support the Regional Initiative, the South African Facilitation, the Political Directorate and the Group of Special Envoys for Burundi in their efforts to assist the Government and the PALIPEHUTU-FNL in implementing the Ceasefire Agreement.

"The successful implementation of the Comprehensive Ceasefire Agreement would constitute a vital step towards peace consolidation that would enable Burundi and its partners to focus on other critical challenges, including combating poverty, security sector reform, good governance, democratic consolidation and the fight against impunity. The Peacebuilding Commission will continue to support the Government of Burundi in mobilizing adequate resources to meet those challenges.

"Sweden, together with the other members of the Peacebuilding Commission Burundi configuration, will continue to build on the excellent initiatives undertaken by the previous Chair, Norway, under the untiring leadership of Ambassador Johan Løvald. We look forward to further interactions with the Security Council and other relevant actors, including the World Bank and the International Monetary Fund, on the developments in Burundi. In preparation for the next biannual review of the Strategic Framework, we will continue to hold thematic meetings, including a planned meeting to discuss the preparations for the elections in 2010. I also hope to visit Burundi in the near future to gain first-hand perspectives and establish constructive working relations with the Government of Burundi and other key stakeholders.

"In conclusion, allow me to commend the Government and all the national stakeholders for their constructive engagement in the implementation of the Strategic Framework and the first biannual review meeting. Let me also use this occasion to thank the United Nations Integrated Office in Burundi (BINUB) for assisting the Peacebuilding Commission and the Government of Burundi so ably in this regard. The integrated structure of BINUB and the strategic leadership of the Executive Representative of the Secretary-General will continue to be important for effective United Nations support for peacebuilding in Burundi."

The President (*spoke in French*): I thank Ambassador Ulla Ström for her briefing. I now give the floor to the representative of Burundi.

Mr. Nsanze (Burundi) (*spoke in French*): My delegation thanks you, Mr. President, for having organized this informational meeting regarding my country. We would like to reiterate our gratitude to the Council for having selected Burundi as one of the first beneficiaries of the services of the Peacebuilding Commission, which has been operational since 2006 and whose overall encouraging mid-term report has just been presented to the Council by the representative of Sweden. We in Burundi have already begun to consider the assessment indicators for the implementation of the Strategic Framework for Peacebuilding, which take into account the recommendations made during the assessment meeting that took place on 23 June 2008.

My delegation would like to pay heartfelt tribute to Norway for the efforts of Mr. Johan Løvald, its former Permanent Representative to the United Nations, who carried out his duties in an outstanding manner. The results of his work are visible both here and in the field. He will be remembered by everyone who witnessed him work so methodically and with unwavering dedication.

I should also like to take this opportunity to warmly thank Sweden, which has graciously agreed to inherit responsibility from its sister country, Norway. That is a clear sign of friendship for my country, for which we are very grateful. We wish Sweden every success; we are prepared to work together to achieve results of which both our countries can be proud.

The assessment of the work under way for two years now in my country has shown us what has been accomplished on the road that we have travelled thus far, which has been short, and that which still lies ahead, which will be very long. However, since it is not customary to speak of conclusions with regard to national policy and economy, but rather to speak of progress achieved, which is easier, allow me to briefly sketch out the present situation for the Council, focusing on the implementation of the priority peacebuilding plan in my country.

In terms of good governance, which is a vast subject, and, more specifically, democratic governance, a great deal has been accomplished, with various ups and downs. Often, we had to hold our breath, particularly when institutions found themselves at a standstill. Today, parliament is functioning normally, and the Government is less divided. The party in power, the Conseil national pour la defense de la démocratie-Forces pour la defense de la démocratie (CNDD-FDD), has been rebuilt. It has once again taken up its role as the unquestioned leader at the helm of the country. The opposition is playing its role as well, without, however, being able to endanger democratic institutions, as we have observed over the past few months.

I would even say that a great step has been taken. During the past week, a workshop was held on the framework for dialogue among the political parties. The workshop was held in Gitega, in the centre of the country, from 18 to 22 August. For the first time in our eventful journey of the past 15 years, a genuine and frank dialogue took place. The workshop involved the participation of 34 political parties, who freely gathered there. Participation in the workshop was active and enthusiastic. The participants requested that the framework become an ongoing framework for dialogue among the political parties. The workshop even proposed terms of reference in the event the framework for dialogue did in fact become permanent.

The political parties are together committing themselves to urgently deal with amendments for legal texts, the Constitution, the law on political parties, including the code of conduct, the electoral code, the law on communities and other laws that may be of interest to the citizens of Burundi. In addition, they intend to update the status of the opposition and even to review — and therefore re-write — the history of the country in order to make it inclusive of all citizens. To sum up, the workshop laid down the foundations for a harmonious vision of a future that can reassure citizens and also ensure that the elections of 2010 will take place in a climate of social and political tranquillity.

The major party missing at this forum was the Parti pour la libératon du peuple hutu-Forces nationales de libération (PALIPEHUTU-FNL), for obvious reasons: it has not yet been recognized as a political party. Allow me here to dwell for a moment on that case, which is of particular interest to us. As everyone is well aware, the leaders of the PALIPEHUTU-FNL returned to the country last May. The head of the movement, Agathon Rwasa, was one of the guests of honour as we celebrated the forty-sixth anniversary of national independence on 1 July 2008. The negotiations that began in Dar es Salaam, Tanzania, continued in South Africa. Faithful to his commitment, President Pierre Nkurunziza, on 18 August 2008,

received the leader of the PALIPEHUTU-FNL movement. The mediator, Charles Nqakula, and his deputy, Ambassador Kingsley Mamabolo, were involved in the discussion. It was agreed that the President of the Republic would meet the leader of the PALIPEHUTU-FNL whenever necessary, so that all issues would be resolved through dialogue. All of the parties to mediation will be involved at each meeting, so that appropriate responses can be found to all issues.

To step up the implementation of the ceasefire agreement, the President of the Republic, Pierre Nkurunziza, signed on that same day decree number 100/134 of 18 August 2008, providing legal status for the dissidents of the PALIPEHUTU-FNL movement who deserted after the signing of the ceasefire on 7 September 2006. That means that the issue of those fighters who left before the FNL was at the negotiating table and who are now regrouped at the sites of Randa and Bulumata, a total of 3,321 individuals, will not be treated any differently from the issue of the other fighters, who are currently being regrouped, since they are all members of the same movement, even if there has been discord among them.

In order to continue the implementation of the ceasefire agreement, the President of the Republic signed decree number 100/136 of 19 August 2008, creating a technical commission for the verification of the status of combatant for those dissidents who have left the PALIPEHUTU-FNL movement of Randa and Burumata. That commission is an ad hoc technical team that will be working under the supervision of the National Commission for Demobilization, Reinsertion and Reintegration. The mandate of the technical team lasts 12 weeks, starting from the date of the entry into force of the decree. That means that, three months from now, the operation will come to an end.

Of course, following that, the status of combatant will be verified for those troops that remained faithful to Agathon Rwasa, who are currently being regrouped. At present, there are 2,300 such fighters, who have been regrouped, but we note that the movement is still in the process of recruiting, in violation of the ceasefire agreement, doubtless to achieve the exaggerated figures that were announced at its inception.

Moreover, there are issues of a political nature that are still outstanding. The PALIPEHUTU-FNL is continuing to refuse to change its name, although the constitution, in articles 77 and 78, forbids any political entity with ethnic connotations. Article 77 states that:

> "A political party consists of a non-profit association of citizens involved in a project for a democratic society based on national unity, with a specific political programme and with specific objectives, which meet the concern of serving the general interest and providing for the prosperity of all citizens."

Article 78 states that:

> "Political parties, in their organization and functioning, must act in accordance with democratic principles. They must be open to all citizens of Burundi and their national character must also be reflected in their leadership. They may not advocate violence, exclusion or hate in any form whatsoever, in particular on the basis of ethnic, regional, religious or gender affiliation."

We also note that other branches of the original PALIPEHUTU long ago agreed to call themselves by different names, including Parti Libérateur du Peuple Burundais and Forces nationales de libération-Icanzo. In addition, PALIPEHUTU-FNL is demanding that power be shared on a 50-50 basis, which is completely unrealistic. Here too, negotiations must be conducted in strict compliance with the constitution.

In any case, the delays observed in the cantonment of combatants and the demands made in the political negotiations must be monitored to prevent further delays with respect to the programme of action adopted on 23 February 2008 at Cape Town, South Africa, which sets 31 December 2008 as the deadline for integrating the PALIPEHUTU-FNL into State institutions.

Therefore, it is important to stress once again that, more than ever before, Burundi needs the international community's support and understanding. First of all, we need understanding because solutions to problems of a political and military nature are not always found overnight. There are stages that must be gone through, lest we find ourselves putting the cart before the horse, which can only lead to other problems. The President of the Republic and his Government are doing everything possible to ensure that the negotiations with the PALIPEHUTU-FNL succeed, but they require the international community's support so that the PALIPEHUTU-FNL does not

continue to engage in polemics or set traps at a time when the population as a whole aspires to peace and development.

The second track of the strategic peacebuilding plan concerns strengthening the rule of law within the security forces. To quote from the Strategic Framework for Peacebuilding in Burundi,

> "Although there have been important gains in the improvement of security, more particularly through the reorganization of the [army] and ... the Police together with the demobilization of over 20,000 combatants, these results alone are not enough in a situation where ... ex-combatants need to be reintegrated permanently in society and weapons and feelings of insecurity are widespread in society ...
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> "... [T]he security forces ... are not always perceived as acting in the best interest of the population". (*PBC/1/BDI/4, annex, paras. 26-27)*

Since the Strategic Framework was drafted, some progress has certainly been made, but new problems have also emerged. At that time, demobilization did not yet involve PALIPEHUTU-FNL combatants. Today, demobilization of those combatants is imperative, while the demobilization of former members of the Burundian armed forces and former combatants of the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie has not yet been completed.

Moreover, those who are already demobilized represent a potential insecurity factor, because they are having difficulties reintegrating into society with the scant resources provided to them. The Government continues to proclaim loud and clear that the demobilized will be a time bomb as long as their living standards have not been improved.

The World Bank recently highlighted the extreme poverty in which disabled demobilized persons waiting for housing to be built for them are languishing. It expects a new demobilization action plan from the Government by next month to that it can readjust its contribution. However, as noted earlier, demobilization is one thing and reintegration into society is another. Thus, Burundi needs support in this area from its bilateral and multilateral partners, because the demobilization process will be beneficial only if it is completed.

I shall now discuss the strengthening of justice, the promotion of human rights, national reconciliation and the fight against impunity. Here, the principal problems are strengthening the capacities of the Ministry of Justice, ensuring the functioning of effective transitional justice, establishing an independent human rights commission and launching a truth and reconciliation commission. In all those areas, certain donors have already been active, including the Peacebuilding Fund. But the needs remain great, so other donors must be considered if we wish to see those projects completed.

Another urgent task is managing the land issue. The traditional Burundian land ownership system seems to have reached its limits. The pressure on the land is such that more than 80 per cent of the cases before the courts are linked to land disputes. The settling of scores is rife and is the root cause of a growing crime rate. A reform of the land code is planned, but its implementation will require funds that the Government cannot collect on its own.

In conclusion, we can state that the Government and the people of Burundi are making remarkable efforts that deserve to be supported. One need only travel around the country to see the primary and secondary school buildings under construction, not to mention other initiatives such as the reforestation of denuded mountains. In the area of public sector management, some progress has been made, so that the country has reached a decisive turning point. The World Bank has just decided to suspend 92 per cent of the country's debt, but that is not enough. The country needs solid budgetary support and substantial assistance so that reconstruction and development do not remain mere words.

Thus, we call on Burundi's development partners, in particular those that made pledges during the May 2006 round table, to honour their commitments. To date, just 30 per cent of the funds promised have been disbursed, and only within the framework of peacebuilding. However, the funds pledged for the financing of the socio-economic recovery are still not forthcoming.

We are most grateful to the United Nations, which, through the Peacebuilding Fund, is supporting 17 projects in the country, and we encourage the United Nations to finance other ones as well. We are

also grateful for the assistance that the World Bank and the International Monetary Fund have promised us.

We thank all those bilateral and multilateral partners who have shown us their understanding and assisted us. We are asking them to do even more, so that our people can benefit from the dividends of peace.

The President (*spoke in French*): There are no further speakers on my list. In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussions on the subject.

The meeting rose at 10.50 a.m.